

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box CPA  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Attorney's Docket Number: 03804.0118

Prior Application: 08/765,026

Art Unit: 1636

Examiner: D. Guzo



SIR: This is a request for filing a Continued Prosecution Application as a:

Continuation or  Divisional application under 37 C.F.R. § 1.53(d) of pending nonprovisional application Serial No. 08/765,026 filed January 13, 1997, for ADENOVIRUS INCLUDING A GENE CODING FOR A SUPEROXIDE DISMUTASE.

RECEIVED

by the following named inventor(s):

1. Martine BARKATS
2. Jacques MALLET
3. Michel PERRICAUDET
4. Frederic REVAH

APR 20 2000

TECH CENTER 1600/2900

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1.  Enter the amendment previously filed on August 3, 1999 under 37 C.F.R. § 1.116, but unentered in the prior application.
2.  A Preliminary Amendment is enclosed.
3.  This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53 (d)(4).
  - a.  **DELETE** the following inventor(s) named in the prior nonprovisional application:

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\_\_\_\_\_  
\_\_\_\_\_

690.00  
54.00  
260.00

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04/18/2000 MARSHOL

02 FC:131  
03 FC:03  
04 FC:104

b.  The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4.  The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

| Basic Application Filing Fee               |                  |       |              | \$690                               | \$ 690.00         |
|--|------------------|-------|--------------|-------------------------------------|-------------------|
|  | Number of Claims | Basic | Extra Claims |                                     |                   |
| Total Claims                               | 23               | -     | 20           | 3                                   | x \$18 54.00      |
| Independent Claims                         | 1                | -     | 3            | 0                                   | x \$78 00.00      |
| [X] Presentation of Multiple Dep. Claim(s) |                  |       |              | +\$260                              | 260.00            |
|  |                  |       |              | Subtotal                            | \$ 1004.00        |
|  |                  |       |              | Reduction by ½ if small entity      | -                 |
|  |                  |       |              | <b>TOTAL APPLICATION FILING FEE</b> | <b>\$ 1004.00</b> |

5.  A check in the amount of \$1004.00 to cover the filing fee is enclosed.

6.  The Commissioner is hereby authorized to charge any fees including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account No. 06-0916.

7.  A verified statement claiming small entity status  
 is enclosed or  is on file in the prior application.

8.  Priority of application No. FR94/08029 filed on June 29, 1994 in France is claimed under 35 U.S.C. § 119. A certified copy  is enclosed or  is on file in the prior application.

9.  The prior application is assigned of record to Rhone-Poulenc Rorer S.A.

10.  The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E.

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11.  Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315.
12.  Recognize as associate attorney \_\_\_\_\_  
(name, address & Reg. No.)
13.  Also enclosed is \_\_\_\_\_

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**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 08/913,699, filed September 9, 1997, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: Steven P. O'Connor  
Steven P. O'Connor  
Reg. No.: 41,225

Dated: April 17, 2000

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